## Remarks

I. Status of claims

Claims 1-11, 13, 14, and 16-35 were pending.

Claims 13, 14, and 16-31 have been allowed.

II. Rejections under 35 U.S.C. § 112

Independent claims 1 and 8 have been amended to address the Examiner's § 112, second paragraph, concerns. The rejection of claims 1-10 under 35 U.S.C. § 112, second paragraph, now should be withdrawn.

III. Rejection of claims 1-11 and 32-35

The Examiner has rejected claims 1-11 and 32-35 under 35 U.S.C. § 103(a) over Knappe (U.S. 6,603,774) in view of Kavsan (U.S. 6,412,069).

A. Claims 1-3, 6, and 8-10

Independent claims 1 and 8 recite that a security algorithm is inserted within the communication path between the first telephony client and a sound device on the first computer, with the security algorithm performing cryptographic operations on audio data transmitted in at least one direction between the first telephony client and the sound device.

The Examiner has acknowledged that "Knappe fails to teach 'inserting a security algorithm within the communication path,'" and has relied on the teaching of Kavsan to make up for Knappe's failure to teach or suggest anything about inserting a security algorithm within a communication path between telephony clients. Kavsan, however, fails to teach or suggest anything about a security algorithm that performs cryptographic operations on audio data transmitted in at least one direction between a first telephony client *and a sound device* on the

same computer, as recited in claims 1 and 8. In Kavsan's approach, the security enabled engines 14 are inserted between the associated application programs 12 and an internet port 24, a disk drive 20, and a hard drive 22; none of the security enabled engines 14 is inserted between a telephony client and a sound device on the same computer, as recited in independent claims 1 and 8.

The Examiner has asserted that the "teaching of Kavsan clearly suggests encrypting audio data received from the sound device (at the drive level) and providing the encrypted data to the cryptographic software situated at the application space and decrypting signals received from the application space at the kernel space." Kavsan, however, does not even hint that the security enabled engines 14 could be inserted between the application programs 12 and sound devices on the same computer. The mere fact that Kavsan's approach is implemented at the driver level does not constitute a teaching or suggestion to insert a security enabled engine 14 between an application 12 and a sound device. Indeed, based on Kavsan's teaching one of ordinary skill in the art designing a telephony system would have inserted a security enabled engine 14 between a telephony application 12 and the internet port 24, as shown in Kavsan's only drawing sheet. It appears that the Examiner improperly has engaged in hindsight reconstruction of the claimed invention using applicant's disclosure as a blueprint for piecing together prior art to defeat patentability.

In addition, the Examiner has asserted that:

> It would have been obvious to one of ordinary skill in the art to employ cryptographic service software of Kavsan in Knappe's method of voice packets in telephony application to provide encryption/decryption to telephony clients to conduct encrypted communication at the driver level of the client computer, because application level cryptographic services CryptoAPI™ would not work at the driver level where IP packets need to be encrypted, see col. 1, lines 47-61.

The Examiner's asserted motivation for combining the teachings of Knappe and Kavsan, however, is not persuasive. Indeed, Knappe fails to teach or suggest anything about incorporating any kind of security algorithm in his approach and Kavsan fails to teach or suggest anything about telephony applications. The mere fact that the CryptoAPI™ software cannot operate in the kernel space would not have motivated one of ordinary skill in the art at the time

of the invention to incorporate Kavsan's method in Knappe's proxy transcoding system. Without a proper explanation for combining Knappe and Kavsan, the Examiner has failed to establish a proper *prima facie* case of obviousness and the rejection should be withdrawn.

To summarize, neither Knappe nor Kavsan teaches or suggests anything about a security algorithm that performs cryptographic operations on audio data transmitted in at least one direction between a first telephony client and a sound device on the same computer, as recited in claims 1 and 8. Accordingly, no permissible combination of Knappe and Kavsan could teach or suggest such a feature.

For at least the reasons explained above, the Examiner's rejection of claims 1, and 8 under 35 U.S.C. § 103(a) over Knappe in view of Kavsan should be withdrawn.

Claims 2-7, 32, and 33 incorporate the features of independent claim 1 and claims 9 and 10 incorporate the features of independent claim 8. Therefore, claims 2-7, 9, 10, 32, and 33 are patentable for at least the same reasons explained above.

B. Claim 11

Independent claim 11 recites that secure communication between the first and second telephony clients is facilitated by performing cryptographic operations on audio data transmitted in at least one direction between the first telephony client and a sound device on the first computer.

As explained above in connection with independent claims 1 and 8, neither Knappe nor Kavsan teaches or suggests anything about a security algorithm that performs cryptographic operations on audio data transmitted in at least one direction between a first telephony client and a sound device on the same computer.

For at least these reasons, the Examiner's rejection of independent claim 11 under 35 U.S.C. § 103(a) over Knappe in view of Kavsan now should be withdrawn.

IV. Conclusion

For the reasons explained above, all of the pending claims are now in condition for allowance and should be allowed.

Charge any excess fees or apply any credits to Deposit Account No. 19-2179.

Respectfully submitted,

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